

CAMPBELL COUNTY CODE OF 1988

CHAPTER 18

UTILITIES

For County ordinance as to erosion and sedimentation control and stormwater management, see Ch. 8 of this Code. For County ordinances regarding solid waste disposal, see Ch. 12 of this Code. For consumer utility tax imposed on users of telephone and telegraph, gas and electric services, see Ch. 9 of this Code. For ordinance regulating cable television system(s), see Ch. 20 of this Code. For other standards related to water cross-connection, refer to Campbell County Utilities and Service Authority policies.

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Article I. General Provisions for Public Utilities.**Sec. 18-1. Purpose of chapter; limitations.**

The purpose of this chapter is to promote the health, safety, and general welfare of persons residing in Campbell County by prescribing requirements designed to ensure such persons access to sources of potable water and to systems for the disposal of sewage adequate to prevent the contraction or spread of infectious, contagious, and dangerous diseases. This purpose shall be accomplished through the exercise of those powers granted by state law, particularly VA. CODE ANN. §15.2-2109 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016), to the extent not specifically preempted by other law or ordinance.

No power granted to Campbell County under the aforementioned state law shall alter or amend the powers or the duties of the Campbell County Utilities and Service Authority (CCUSA) or any future authority created pursuant to the Virginia Water and Waste Authorities Act (VA. CODE ANN. §15.2-5100 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016)), nor confer any right or responsibility upon the Board of Supervisors of Campbell County which would supersede or be inconsistent with any of the duties or responsibilities of the State Water Control Board. No provisions of this chapter other than those consistent with the provisions of the Virginia Water and Waste Authorities Act (VA. CODE ANN. §15.2-5100 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016)) shall be applicable to the Campbell County Utilities and Service Authority (CCUSA) or any such future authority or entity succeeding to the principal functions thereof.

For state law authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2012), VA. CODE ANN. §15.2-2109 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016), and VA. CODE ANN. §15.2-2111 (Repl. Vol. 2012). For State Water Control Law, see VA. CODE ANN. §62.1-44.2 et seq. (Repl. Vol. 2014 and Cum. Supp. 2016). For Virginia Water and Waste Authorities Act, see VA. CODE ANN. §15.2-5100 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016).

[THE MAY 17, 1999 ACT adopted this section.]

Sec. 18-2. Campbell County Utilities and Service Authority established.

Pursuant to the authority of the Virginia Water and Waste Authorities Act (VA. CODE ANN. §15.2-5100 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016)), particularly VA. CODE ANN. §15.2-5102 (Repl. Vol. 2012), the Campbell County Utilities and Service Authority, hereinafter also referred to as CCUSA, was created by the Board of Supervisors of Campbell County, Virginia, and vested with the powers and authority as enumerated in VA. CODE ANN. §15.2-5114 (Repl. Vol. 2012), and as provided by other state law or local ordinance. The Campbell County Utilities and Service Authority shall be a public body politic and corporate and a political subdivision of the

Commonwealth, exercising public and essential governmental functions to provide for the public health and welfare.

For purposes of this chapter, references to “Authority” or “Utilities and Service Authority” shall be deemed to mean the Campbell County Utilities and Service Authority (CCUSA).

For state law authority, see VA. CODE ANN. §15.2-5100 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016), especially VA. CODE ANN. §15.2-5102 (Repl. Vol. 2012).

Cross-reference--For resolution of Campbell County Board of Supervisors creating the Campbell County Utilities and Service Authority on November 16, 1964, see Supervisors Minute Book 6, at page 302. The resolution was amended and restated by the Board of Supervisors on September 4, 2012, recorded in the Supervisors Minute Book 30, at page 553 at that time, and filed with the State Corporation Commission on October 12, 2012.

[THE MAY 17, 1999 AMENDMENT adopted this section.]

[THE JULY 17, 2012 AMENDMENT added “and a political subdivision of the Commonwealth” in the first paragraph.]

Sec. 18-3. Connection to public sanitary sewer required; exceptions.

(a) The owner, tenant, or occupant of each lot or parcel of land in Campbell County (i) which abuts a street, alley, or other public right of way which contains, or is adjacent to an easement containing, a public sanitary sewer which is a part of or which is or may be served by a sewer system administered by the CCUSA, and (ii) upon which a building *has been constructed* for residential, commercial or industrial use, and (iii) where such building is within four hundred feet (400') of such public sanitary sewer, shall connect such building with the public sanitary sewer in the most direct manner possible. All buildings constructed or to be constructed on lots resulting from subdivision of a larger tract that abuts or adjoins a public sanitary sewer system or main shall be connected to that public sewer system or main in accordance with the provisions of (i) through (iii) above and in accordance with the rules, regulations, and specifications adopted by the CCUSA.

(b) All such connections shall be made in accordance with the rules, regulations, specifications and guidelines adopted by the CCUSA or other authority created under VA. CODE ANN. §15.2-5100 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016). The owner, tenant, or occupant of the property so served shall pay all required availability, connection, and other duly adopted fees for each building connected. Separate connections shall be provided for buildings on separate properties, except that properties which are part of condominium development may be connected in any manner acceptable to CCUSA.

(c) Notwithstanding any other provisions of this chapter or of VA. CODE ANN. §15.2-5100 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016), those persons having a private septic system or domestic sewage system meeting applicable standards established by the Virginia Department of Health shall not be required under this article to discontinue the use of same. However, such persons may be required to pay a connection fee, a front footage fee, and a monthly nonuser service

charge, which charge shall not be more than that proportion of the minimum monthly user charge, imposed by the CCUSA, as debt service bears to the total operating and debt service costs, or any combination of such fees and charges.

(d) Notwithstanding the provisions of subsections (a) and (b) hereof, this mandatory connection policy shall not apply to any building for which the shortest distance between the property boundary of the lot or parcel of land upon which such building is located and the closest public sanitary sewer is greater than seventy-five feet (75'). Furthermore, nothing in this section shall be construed to prohibit the connection of any building to a public sanitary sewer upon payment by the owner of applicable connection fees or other charges.

(e) Persons who have obtained exemption from or deferral of taxation pursuant to ordinance authorized by VA. CODE ANN. §58.1-3210 (Cum. Supp. 2016) may be exempted or deferred by the CCUSA from paying any charges or fees authorized by this section, to the same extent as the exemption from or deferral of taxation pursuant to such ordinance. (3-3-47, §5.)

For state law authority, see VA. CODE ANN. §15.2-2110 (Repl. Vol. 2012), §15.2-5137 (Repl. Vol. 2012), §15.2-2122, item 7. (Repl. Vol. 2012), and §15.2-2121 (Repl. Vol. 2012). For authority to require all buildings constructed on lots resulting from a subdivision of a larger tract that abuts or adjoins a public water or sewer system or main to be connected to that public water or sewer system or main, see VA. CODE ANN. §15.2-2121 (Repl. Vol. 2012) and §15.2-2242 at paragraph 2 (Cum. Supp. 2016), and also §21-17.1, §21-17.4, and §22-31 C. of this Code.

Cross-reference.— For County ordinances requiring subdivision developers to extend and connect to abutting or adjacent public water or sewer systems as a specific condition precedent to approval of an original plat of subdivision or a development plan (or site plan), or alteration of any such plat or development plan (site plan), see §21-17.1 and §22-31 C. of this Code. For County ordinance enacted pursuant to VA. CODE ANN. §58.1-3210 (Cum. Supp. 2016) regarding exemption from real estate taxation for certain elderly or disabled persons, see §§9-8 through 9-12.1 of this Code.

[THE 1987 AMENDMENT designated existing provisions as (a) and added (b).]

[THE 1988 AMENDMENT added (c).]

[THE FEBRUARY 2, 1998 AMENDMENT added new (d).]

[THE MAY 17, 1999 AMENDMENT redesignated former §18-23 as present §18-3 and rewrote provisions of former (a) as present (a) and (b), increasing from two hundred feet to four hundred feet the proximity to a sanitary sewer at which connection is mandatory; redesignated former (b) and (c) as present (c), and (e), substituting “may be required” for “shall be required” in second sentence of (c) and substituting “CCUSA” for “Campbell County Utilities and Service Authority” in third sentence thereof; redesignated provisions of former (d) as present §18-7, and added new (d).]

[THE JULY 5, 2005 AMENDMENT added the last sentence in (a)]

[THE JULY 5, 2011 AMENDMENT added “and other duly adopted” in (b).]

[THE JULY 17, 2012 AMENDMENT added “except that properties which are part of condominium development may be connected in any manner acceptable to CCUSA” to the third sentence in (b).]

Sec. 18-4. Reserved.

Sec. 18-5. Connection of new or additional building(s) to public water main or public water system required; exemptions.

(a) The owner, tenant, or occupant of each lot or parcel of land in Campbell County (i) which abuts a street, alley, or other public right of way which contains, or is adjacent to an easement containing, a public water main or public water system, and (ii) upon which a new or additional building for residential, commercial or industrial use for which a building permit is issued on or after the effective date of this section is to be or has been constructed, and (iii) where such new or additional building is within four hundred feet (400') of such public water main or public water system, shall connect such new or additional building with the water main or water system in the most direct manner possible. All buildings constructed or to be constructed on lots resulting from subdivision of a larger tract that abuts or adjoins a public water system or main shall be connected to that public water system or main in accordance with the provisions of (i) through (iii) above and in accordance with the rules, regulations, and specifications adopted by the CCUSA.

(b) All such connections shall be made in accordance with the rules, regulations, specifications, and guidelines adopted by the CCUSA or other authority created under VA. CODE ANN. §15.2-5100 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016). The owner, tenant, or occupant of the property so served shall pay all required availability and connection fees for each building connected. Separate connections shall be provided for buildings on separate properties, except that properties which are part of condominium development may be connected in any manner acceptable to CCUSA.

(c) Notwithstanding any other provision of this chapter or of VA. CODE ANN. §15.2-5100 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016), those persons having a domestic supply or source of potable water shall not be required to discontinue the use of such water. However, persons not served by a water supply system, as defined in VA. CODE ANN. §15.2-2149 (Repl. Vol. 2012), producing potable water meeting the standards established by the Virginia Department of Health may be required to pay a connection fee, a front footage fee, and a monthly nonuser service charge, which charge shall not be more than that proportion of the minimum monthly user charge, imposed by the CCUSA, as debt service bears to the total operating and debt service costs, or any combination of such fees and charges.

(d) The provisions of subsections (a) and (b) hereof shall not apply to buildings for which a building permit was issued prior to the effective date of this section, modifications to existing buildings, or repairs or replacement of existing wells or private water systems provided that

said repairs or replacement are undertaken in accordance with standards established by the Virginia Department of Health. However, in the event that an existing well is declared to be contaminated by the Virginia Department of Health, the property owner may be required to connect to the public water main or public water system in accordance with the provisions of subsections (a) and (b) of this section.

(e) Notwithstanding the provisions of subsections (a) and (b) hereof, this mandatory connection policy shall not apply to (i) new or additional agricultural structures used for farming activities, or (ii) any new or additional building for which the shortest distance between the building and the closest public water main or public water system is greater than four hundred feet (400'). Furthermore, nothing in this section shall be construed to prohibit the connection of any existing building to a public water main or public water system upon payment by the owner of applicable connection fees or other charges.

For state law authority, see VA. CODE ANN. §15.2-2110 (Repl. Vol. 2012), §15.2-5137 (Repl. Vol. 2012), §15.2-2143 (Repl. Vol. 2012), and §15.2-2121 (Repl. Vol. 2012). For authority to require all buildings constructed on lots resulting from a subdivision of a larger tract that abuts or adjoins a public water or sewer system or main to be connected to that public water or sewer system or main, see VA. CODE ANN. §15.2-2121 (Repl. Vol. 2012) and §15.2-2242 at paragraph 2 (Cum. Supp. 2016), and also §21-17.1, §21-17.4, and §22-31 C. of this Code.

Cross-reference.— For County ordinances requiring subdivision developers to extend and connect to abutting or adjacent public water or sewer systems as a specific condition precedent to approval of an original plat of subdivision or a development plan (or site plan), or alteration of any such plat or development plan (site plan), see §21-17.1 and §22-31 C of this Code. For Campbell County Code provisions tracking VA. CODE ANN. §15.2-2149 (Repl. Vol. 2012), see §18-50 et seq. of this Code.

[THE MAY 17, 1999 ACT adopted this section.]

[THE JULY 5, 2005 AMENDMENT added the last sentence in (a).]

[THE JULY 5, 2011 AMENDMENT substituted “400 feet” for “75 feet” in (e).]

[THE JULY 17, 2012 AMENDMENT added “except that properties which are part of condominium development may be connected in any manner acceptable to CCUSA” to the third sentence in (b).]

[THE DECEMBER 3, 2013 AMENDMENT substituted “building” for “property boundary of the lot or parcel of land upon which such new or additional building is located” in the first sentence in (e).]

Sec. 18-6. Reserved.

Sec. 18-7. Water and sewer rates and fees to be fair and reasonable.

Water and sewer rates and fees established by the Campbell County Utilities and Service Authority (CCUSA) shall be fair and reasonable. Such fees shall be reviewed by CCUSA periodically and shall be adjusted, if necessary, to assure that they continue to be fair and reasonable. Nothing in this article shall affect existing contracts with bondholders of CCUSA which are in conflict with any of the provisions of this article or of VA. CODE ANN. §15.2-2122 (Repl. Vol. 2012) or of VA. CODE ANN. §15.2-5137 (Repl. Vol. 2012).

For state law authority, see VA. CODE ANN. §15.2-5137 (Repl. Vol. 2012) and also VA. CODE ANN. §15.2-5136 D. (Cum. Supp. 2016). See also VA. CODE ANN. §15.2-2122 (Repl. Vol. 2012).

[THE MAY 17, 1999 AMENDMENT redesignated former §18-23 (d) [adopted on February 2, 1998] as present §18-7, making minor changes.]

[THE JULY 5, 2011 AMENDMENT substituted “rates and” for “connection” in both the section title and in the first sentence.]

Sec. 18-8. Rates and charges for water and sewer services to be set by CCUSA.

The Campbell County Utilities and Service Authority (CCUSA) may fix and revise rates, fees, and other charges (which shall include, but not be limited to, a penalty not to exceed ten percent (10%) on delinquent accounts, and interest on the principal), subject to the provisions of VA. CODE ANN. §15.2-5136 (Cum. Supp. 2016), for the use of and for the services furnished or to be furnished by any water or waste system or other authorized system, or facilities incident thereto, owned, operated or maintained by the CCUSA, or facilities incident thereto, for which the CCUSA has issued revenue bonds as authorized by VA. CODE ANN. §15.2-5100 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016).

For state law authority, see VA. CODE ANN. §15.2-5136 (Cum. Supp. 2016). For requirements re public hearing, see subsection G. of that section.

[THE MAY 17, 1999 ACT adopted this section.]

Sec. 18-9. Reserved.

Article II. Use, Design, and Construction Standards for Sanitary Sewers.

Sec. 18-10. Purpose of article.

This article shall prohibit unlawful connections to sanitary sewers; shall control the quality of wastes discharged to sanitary sewers; shall establish standards for construction of sanitary

sewers, manholes, cleanouts, and lateral sewer connections; and, shall establish standards concerning infiltration or direct introduction of surface water into such sanitary sewers. Dumping of trash into the sewer systems through manholes shall be strictly prohibited by this article. The discharging of septic tank wastes into the sewer system to an assigned discharge point shall be permitted by this article, but shall be allowed only under permit and the close supervision and direction of the Campbell County Utilities and Service Authority (CCUSA). This article shall be applicable to existing sewer users. (7-21-76, Art. 1.)

For state law authority, see VA. CODE ANN. §15.2-5114 (Repl. Vol. 2012). See also VA. CODE ANN. §15.2-2122 (Repl. Vol. 2012).

[THE MAY 17, 1999 AMENDMENT renumbered former §18-6 as present §18-10 and inserted “Campbell County” and “(CCUSA)” near the end.]

[THE JULY 5, 2011 AMENDMENT substituted “surface” for “storm” in the first sentence.]

Sec. 18-11. Sewer use.

Sanitary sewers shall be designed and constructed to convey domestic wastes and similar strength industrial wastes from the occupied dwelling to the wastewater treatment plant. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage from carports, patios, cooling waters, etc. into any public sanitary sewer. Any water or waste from carwashes, laundromats and swimming pools will be examined closely on a case by case basis by Local and State Health Departments, the State Water Control Board, and the Campbell County Utilities and Service Authority (CCUSA) and will be allowed to discharge into the sanitary sewer system only if these wastes meet the requirements of the CCUSA or all regulations set by the State Water Control Board and the State Health Department. Pretreatment of wastes to a degree satisfactory to the CCUSA will be required if these wastes do not meet the normally accepted wastewater strength requirements of the CCUSA. (7-21-76, Art. 2.)

For state law authority, see VA. CODE ANN. §15.2-5114 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016).

[THE MAY 17, 1999 AMENDMENT inserted “Campbell County” in the third sentence and inserted “CCUSA” several times thereafter.]

Sec. 18-12. Sewage strength.

No person shall discharge or cause to be discharged into any public sanitary sewer any adulterated waters or wastes such discharge of which is prohibited by the regulations of the Campbell County Utilities and Service Authority, unless the CCUSA has specifically approved, in writing, an exception permitting such discharge.

For state law authority, see VA. CODE ANN. §15.2-5114 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016).

[THE MARCH 17, 1997 AMENDMENT rewrote the introductory paragraph and deleted subparagraphs (a) through (k) which detailed certain waters and wastes which shall not be discharged into public sanitary sewers.]

[THE JULY 5, 2011 AMENDMENT added “in writing” to the section.]

Sec. 18-13. Reserved.

Sec. 18-14. Preventive measures.

(a) Grease, oil, and grit chambers shall be provided where required by the regulations and specifications of the Campbell County Utilities and Service Authority (CCUSA) and shall be of a type and capacity approved by the CCUSA and/or the Virginia Department of Health. Chambers shall be of substantial construction, shall be watertight and shall be equipped with easily removable covers which, when bolted in place, shall be gas- and water-tight. All chambers shall be maintained by the customer at his expense and shall be kept in continuously efficient operation at all times.

(b) The admission or proposed admission into the public sewers of any waters or wastes resulting from any industrial or manufacturing process, product or comparable activity shall be subject to the review and approval of the CCUSA. When necessary, the industry or manufacturer shall provide such preliminary treatment of its industrial waters or wastes as may be required to reduce objectionable characteristics or constituents or to satisfy any other condition which the CCUSA may decide is advisable in order to allow the admission of such waters or wastes into the sanitary sewers.

(c) Plans and specifications and other pertinent information relating to required or proposed preliminary treatment facilities shall be submitted for the review and approval of the CCUSA. Construction of such facilities shall not commence until approval has been obtained in writing from the CCUSA. (7-21-76, Art. 4.)

For state law authority, see VA. CODE ANN. §15.2-5114 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016).

[THE MARCH 17, 1997 AMENDMENT combined former (a) and (b) as present (a) and deleted language therein specifying standards applicable to grease, oil, and grit chambers in favor of new language requiring adherence to CCUSA regulations and specifications, and redesignated former (c) and (d) as (b) and (c), respectively.]

[THE MAY 17, 1999 AMENDMENT inserted “CCUSA” or substituted “CCUSA” for “Authority” throughout the section.]

[THE JULY 5, 2011 AMENDMENT substituted “and/or” for “and” in the first sentence of (a).]

Sec. 18-15. Unlawful connections.

It shall be unlawful for any person to break, connect to or to remove, or cause any other person to break, connect to or remove any portions of any sewer, manhole, testing or metering station or related structure without first obtaining express permission from the Campbell County Utilities and Service Authority (CCUSA). (7-21-76, Art. 5.)

For state law authority, see VA. CODE ANN. §15.2-5137 (Repl. Vol. 2012) and §15.2-5114 et seq. (Repl. Vol. 2012). See also VA. CODE ANN. §15.2-2122 (Repl. Vol. 2012).

[THE MAY 17, 1999 AMENDMENT inserted “Campbell County” and “CCUSA.”]

Sec. 18-16. Reserved.

Sec. 18-17. Infiltration.

Infiltration tests shall be performed on completed sewer systems as required by the regulations of the Campbell County Utilities and Service Authority, or at such other point during installation or construction as the CCUSA may prescribe. Should infiltration occur, repairs shall be made to the satisfaction of the CCUSA. The sewer systems shall include any portion of the wastewater treatment collection system between the treatment plant and any building, structure or dwelling which has wastewater service furnished it, or as otherwise defined by the regulations of the CCUSA. (7-21-76, Art. 7.)

For state law authority, see VA. CODE ANN. §15.2-5114 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016).

[THE MARCH 17, 1997 AMENDMENT added the language beginning "as required by . . . CCUSA may prescribe" at the end of the first sentence, deleted the former second sentence which specified infiltration testing standards, and added "or as otherwise defined by the regulations of the CCUSA" at the end of the last sentence.]

[THE MAY 17, 1999 AMENDMENT inserted “CCUSA” in the second sentence.]

Sec. 18-18. Sanitary sewer design.

Sanitary sewer design, including, but not limited to, tributary population, design quantities, hydraulic design criteria, location, manholes, sewer connections, materials, etc., shall be in accordance with regulations, specifications, and guidelines promulgated by the Campbell County Utilities and Service Authority.

For state law authority, see VA. CODE ANN. §15.2-5114 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016).

[THE MARCH 17, 1997 AMENDMENT deleted former detailed provisions of the section addressing specific aspects of sanitary sewer design and substituted the current language requiring adherence to CCUSA standards.]

Sec. 18-19. Sanitary sewer construction.

All construction of sanitary sewer mains and appurtenances in the County shall be in accordance with plans and specifications approved by the Campbell County Utilities and Service Authority.

For the purposes of this section, "construction" shall include, but not be limited to, setting line and grade stakes, preparing cut sheets, excavation, backfilling, pipe installation, and other requirements of the CCUSA regarding service connections, manholes (field-constructed or pre-cast), pipe connections at manholes, as well as acceptance tests, exfiltration tests, and repairs as required by the CCUSA.

If any deviation is contemplated in the location of line or grade of any sewer, structure or appurtenance from the approved plans, a revision of the plans showing the proposed deviation must be submitted to the CCUSA for review and approval before the changes are constructed. (1-17-76, §2; 7-21-76, Art. 10, §2)(1987)(1988)(1989)

For state law authority, see VA. CODE ANN. §15.2-5114 et seq. (Repl. Vol. 2012 and Cum. Supp. 2016).

[THE MARCH 17, 1997 AMENDMENT deleted former detailed provisions addressing specific aspects of sanitary sewer construction, revised the first and third paragraphs, and added a new second paragraph.]

[THE MAY 17, 1999 AMENDMENT, renumbered former §18-14 as this section, and inserted "Campbell County" preceding "Utilities" in the first sentence in the first paragraph, deleted the former second and third sentences therein concerning setting of preconstruction line and grade stakes and preparing cut sheets, and, in the second paragraph, inserted "setting line and grade stakes, preparing cut sheets."]

Article III. Sewage Disposal Systems Generally.

Sec. 18-20 to Sec. 18-24. Reserved.

Article IV. Approval of Sewage Systems by County.

Sec. 18-25. Notice to Board of Supervisors required prior to construction of sewage system.

(a) Any person, including municipal corporations, that proposes to establish a sewage system consisting of pipelines or conduits, pumping stations, force mains or sewage treatment plants, or any of them, or an extension of any existing system which is designed to serve fewer than three (3) connections and used for conducting or treating sewage, as that term is defined in VA. CODE ANN. §62.1-44.2 et seq. (Repl. Vol. 2014 and Cum. Supp. 2016), shall comply with all requirements of the Virginia Department of Health. Such person need not separately notify the Board of Supervisors of Campbell County.

(b) Any person, including municipal corporations, that proposes to establish a sewage system consisting of pipelines or conduits, pumping stations, force mains or sewage treatment

plants, or any of them, or an extension of any existing system which is designed to serve three (3) or more connections and used for conducting or treating sewage, as that term is defined in VA. CODE ANN. §62.1-44.2 et seq. (Repl. Vol. 2014 and Cum. Supp. 2016), to serve or to be capable of serving three (3) or more connections shall, at least sixty (60) days prior to commencing construction thereof, notify in writing the Board of Supervisors of Campbell County and shall appear at a regular meeting thereof and notify the Board in person.

However, a town proposing to construct or expand a sewage system shall not be required to provide notice in writing or in person to the County if the County itself does not operate a sewage system or provide sewerage services. (11-15-82)

(c) Any person, including municipal corporations, that proposes to establish a sewage system consisting of pipelines or conduits, pumping stations, force mains or sewage treatment plants, or any of them, or an extension of any existing system which is designed to serve ten (10) or more connections and used for conducting or treating sewage, as that term is defined in VA. CODE ANN. §62.1-44.2 et seq. (Repl. Vol. 2014 and Cum. Supp. 2016), such on-site sewage treatment system shall be designed and constructed to the applicable standards of the Campbell County Utilities and Service Authority (CCUSA). Upon completion of construction, the property owner shall establish an appropriate mechanism to fund on-going operation, maintenance, required upgrades and complete system replacement as required for such centralized on-site sewage treatment system and such system shall be turned over to CCUSA for operation. The provisions of this subsection shall not apply to the expansion of an on-site sewage treatment system that was in existence on or before December 4, 2006.

For state law basis, see VA. CODE ANN. §15.2-2126 (Repl. Vol. 2012).

Editor's note.--For definition of "Person," see §1-2 of this Code and VA. CODE ANN. §1-230 and §1-231 (Repl. Vol. 2014).

[THE 1982 ACT adopted this section.]

[THE 1988 AMENDMENT substituted "sewage" for "sewerage" following "force mains or."]

[THE 1990 AMENDMENT added the second paragraph.]

[THE MAY 17, 1999 AMENDMENT substituted "sewage" for "sewerage," deleted "firm, corporation" following "person" and "or associations, who or which" preceding "proposed" in the first paragraph.]

[THE DECEMBER 4, 2012 AMENDMENT redesignated the existing section as (b), and added new subsections (a) and (c).]

Sec. 18-26. Disapproval of system by Board of Supervisors; effect of failure to disapprove within seventy (70) days.

The Board of Supervisors of Campbell County notified of the proposed establishment of a sewage system or of the extension of any existing sewage system under the preceding section of this article is authorized to disapprove the same, if it finds that such sewage system is not capable of serving the proposed number of connections by reason of inadequate pipes, conduits, pumping stations, force mains, or sewage treatment plants or is otherwise inadequate to render the proposed service. If, at the expiration of seventy (70) days from the date on which the applicant appeared before the Board of Supervisors, the Board of Supervisors has not disapproved the application, the applicant may proceed with the construction and installation of such sewage system, provided he first gives notice to the Chairman of the Board of Supervisors by registered mail of his intention to proceed. (11-15-82)

For state law basis, see VA. CODE ANN. §15.2-2127 (Repl. Vol. 2012).

[THE 1982 ACT adopted this section.]

[THE 1987 AMENDMENT substituted "is" for "as" preceding "otherwise inadequate" in the first sentence.]

[THE 1989 AMENDMENT inserted "of" preceding "his intention" in the second sentence.]

[THE MAY 17, 1999 AMENDMENT substituted "sewage" for "sewerage."]

Sec. 18-27. Denial of certain applications for sewage system.

Notwithstanding any other provisions of general law relating to the approval of sewage systems, the Campbell County Board of Supervisors may deny an application for a sewage system if such denial appears to it to be in the best interest of the inhabitants of Campbell County.

For state law authority, see VA. CODE ANN. §15.2-2128 (Repl. Vol. 2012).

[THE 1989 ACT adopted this section.]

[THE MAY 17, 1999 AMENDMENT substituted "general law" for "law," "sewage" for "sewerage" twice, and "appears to it" for "shall to it appear."]

Sec. 18-28. Contents of notice to Board of Supervisors; further information.

The applicant shall state in the notice to the Board of Supervisors required by §18-25 of this article the number and nature of the connections to which service will be given under the certificate applied for. The Board of Supervisors may require such further information as it deems desirable in order to pass upon the application. (11-15-82)

For state law basis, see VA. CODE ANN. §15.2-2129 (Repl. Vol. 2012).

[THE 1982 ACT adopted this section.]

Sec. 18-29. Reserved.

Sec. 18-30. Extensions to systems.

No person, including municipal corporations, that has constructed or installed a sewage system after having complied with the provisions of this article, shall extend the service in excess of the number of connections for which approval was originally given. In case any such extension is desired, the person shall proceed in the same manner as in the case of an original application under this article. (11-15-82)

For state law basis, see VA. CODE ANN. §15.2-2130 (Repl. Vol. 2012).

[THE 1982 ACT adopted this section.]

[THE MAY 17, 1999 AMENDMENT deleted "firm, corporation" following "person" and substituted "that" for "or associations who or which" and "sewage" for "sewerage" in the first sentence; substituted "the person" for "such person" and deleted "and proceedings thereon shall comply herewith" at the end of the second sentence.]

Sec. 18-31. Reserved.

Sec. 18-32. Article not applicable to hotel corporations.

No provision of this article shall apply to a corporation whose principal business is the operation of a hotel and which may extend the use of its surplus sewage facilities to a limited number of patrons. (11-15-82)

For state law basis, see VA. CODE ANN. §15.2-2131 (Repl. Vol. 2012).

[THE 1982 ACT adopted this section.]

[THE MAY 17, 1999 AMENDMENT substituted "whose" for "the" and "sewage" for "sewerage," and deleted "of which" following business.]

Sec. 18-33. Non-compliance with article; separate offense.

Any person who fails or refuses to notify the Board of Supervisors of Campbell County of the proposed construction or installation of any sewage system regulated under this article, or to notify the Board of Supervisors of Campbell County of any proposed extension beyond the number of connections for which approval was originally given, and thereafter constructs and installs any sewage system, or having given such notice and the same having been disapproved, proceeds to construct or install any such system, shall be guilty of a misdemeanor and punished as provided in §18-34 of this Code. Each day of operation without notifying the Board of Supervisors as above

required or after disapproval by the Board of Supervisors shall constitute a separate offense. (11-15-82)

For state law basis, see VA. CODE ANN. §15.2-2132 (Repl. Vol. 2012).

[THE 1982 ACT adopted this section.]

[THE 1988 AMENDMENT added "of this Code" at the end of the first sentence.]

[THE MARCH 17, 1997 AMENDMENT substituted "of the proposed construction or installation of any sewerage system regulated under this article" for "as hereinabove required" near the beginning of the first sentence.]

[THE MAY 17, 1999 AMENDMENT substituted "Any person who" for "Any person, firm, corporation or association who or which" and "sewage" for "sewerage" twice.]

Sec. 18-34. Penalty; enjoining violation.

Any person violating any provision of this article shall be guilty of a Class 2 misdemeanor and, in addition, may be enjoined from further violation of this article. (11-15-82)

For state law basis, see VA. CODE ANN. §15.2-2133 (Repl. Vol. 2012). For penalty for Class 2 misdemeanor, see VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE 1982 ACT adopted this section.]

[THE 1991 AMENDMENT substituted "\$1,000" for "\$500" and "confinement" for "imprisonment."]

[THE MAY 17, 1999 AMENDMENT inserted "Class 2" and deleted specification of the allowable penalties for violation of this article following "misdemeanor."]

Article V. Approval of Onsite Private Sewage Disposal Systems or Septic Systems; Provisions of Sanitary Privies, etc.

Sec. 18-35. Receipt of approval prerequisite to issuance of building permit.

When any method of sewage disposal other than a public sewer or a private sewage system in accordance with the provisions of Article IV hereof, or a system which requires approval by the department of sanitation, State Department of Health and the State Water Control Board, is planned for the service of any lot or parcel of land, the Office of the Building Official shall not issue a building permit until after receipt of approval from the Health Department. (3-20-72, §1) (11-15-82)

For state law authority, see VA. CODE ANN. §32.1-165 (Cum. Supp. 2016). See also VA. CODE ANN.

§15.2-2157 (Cum. Supp. 2016). See also VA. CODE ANN. §15.2-2242, item 2. (Cum. Supp. 2016).

Cross reference: For provisions in county subdivision ordinance regarding approval of suitability of subdivision for installation of subsurface sewage disposal systems, see §21-17.2 of this Code. See also VA. CODE ANN. §32.1-163.5 (Cum. Supp. 2016).

[THE 1982 AMENDMENT added "or a private sewerage system in accordance with the provisions of Article I hereof."]

[THE MAY 17, 1999 AMENDMENT substituted "sewage" for "sewerage" and "Article IV" for "Article I."]

Sec. 18-36. Applications generally; penalties for violation.

(a) Applications for approval of the sewage system shall be made to the Health Department prior to any construction, remodeling, additions, or improvements, except for routine maintenance on such lot or parcel of land.

(b) (1) Within fifteen (15) working days from the date of written submission of a request for approval of a site evaluation and design for a single lot construction permit, and within sixty (60) days from the date of written submission of a request for approval of a site evaluation and design for multiple lot certification letters or subdivision review, the Health Department shall (i) issue the requested letter, permit or approval or (ii) set forth in writing the specific reasons for denial. If the Health Department fails to take action to approve or disapprove the designs, evaluations, or subdivision reviews within the time specified herein, the designs, evaluations or subdivision reviews shall be deemed approved and the appropriate letter, permit or approval shall be issued.

(2) Any restrictions or qualifications of Health Department approval shall be stated on the permit. (3-20-72, § 1.)

(c) Any person violating the provisions of this section shall be guilty of a misdemeanor and a court of competent jurisdiction shall fix punishment by a fine of not less than twenty-five dollars nor more than three hundred dollars. Each day's continuance of a violation shall constitute a separate offense.

(d) All fines imposed hereunder shall be collected and paid to the credit of the general revenue fund of the County. (3-20-72, §2.)

For general authority, see VA. CODE ANN. §15.2-2157 (Cum. Supp. 2016) and VA. CODE ANN. §32.1-163 et seq. (Repl. Vol. 2015 and Cum. Supp. 2016), especially VA. CODE ANN. §32.1-163.5 at B (Cum. Supp. 2016).

[THE MAY 17, 1999 AMENDMENT combined provisions of former §§18-28 and 18-29.]

[THE JUNE 17, 2002 AMENDMENT rewrote subsection (b)(1) to specify time limitations governing approval/disapproval of site evaluations and designs by Health Department.]

Sec. 18-37. Reserved.

Sec. 18-38. Septic tanks--Generally.

It shall be unlawful for any person to install or have installed or repair a septic tank in the County without first obtaining a permit from the County Health Officer or his representative. The Health Officer shall decide the capacity and design and approve the location of the septic tank. The minimum working capacity shall be regulated by the Virginia State Board of Health, Sewage Handling and Disposal Regulations.

The amount of subsurface drainage tile to be used shall be determined by the Health Officer or his representative at the time the permit is issued. In no case shall less than two hundred feet of drain tile be used.

The kind and amount of absorption material shall conform with the regulations of the Health Department. (3-3-47, §6.)

For state law authority, see VA. CODE ANN. §15.2-2157 (Cum. Supp. 2016), VA. CODE ANN. §32.1-165 (Cum. Supp. 2016), and VA. CODE ANN. §32.1-163 et seq. (Repl. Vol. 2015 and Cum. Supp. 2016). See also VA. CODE ANN. §15.2-2242, item 2. (Cum. Supp. 2016). As to duration of septic tank permits generally, see VA. CODE ANN. §32.1-164.1:1 (Repl. Vol. 2015).

Cross reference: For provisions in County subdivision ordinance regarding approval of suitability of subdivision for installation of subsurface sewage disposal systems, see §21-17 of this Code. For provisions regarding issuance by State Board of Health of nontransferable waivers of additional treatment requirements regarding operating permits for certain failing onsite sewage systems, see VA. CODE ANN. §32.1-164.1:1 (Repl. Vol. 2015) at subsection B.

[THE 1988 AMENDMENT substituted "as regulated by the Virginia State Board of Health, Sewage Handling and Disposal Regulations" at the end of the first paragraph for "as follows:" and a table which formerly followed the first paragraph and which concerned specifications for septic tank capacity, length, width, air space and liquid depth therefor for various size homes, and, at the end of the second paragraph, substituted "drain tile be used" for "drainage of farm tile be used."]

Sec. 18-39. Same--Inspection.

Septic tanks shall be inspected by a representative of the Health Department and approved before they are permitted to be covered or used. (3-3-47, § 7.)

For state law authority, see VA. CODE ANN. §15.2-2157 (Cum. Supp. 2016). See also VA. CODE ANN. §15.2-2242, item 2. (Cum. Supp. 2016) and §21-17.2 of this Code.

Sec. 18-40. Privies, etc., to be provided where humans congregate or are employed.

Every house used as a human habitation, every warehouse, every public building, every recreation or tourist camp, transient lodging house or other places where human beings congregate or are employed in the County shall be provided by the owner thereof with a sanitary privy or other sanitary device for the catchment or receiving of human discharges. If an outside privy is used, it must be built in accordance with specifications of the State Health Department. If a septic tank is used, it must be built in accordance with specifications of the State Health Department. (3-3-47, §1.)

For general authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2012). For authority of locality to regulate septic tanks and sewage disposal systems when sewers not available, see VA. CODE ANN. §15.2-2157 (Cum. Supp. 2016).

Sec. 18-41. Arrangement for disposal of excrement not to endanger source of drinking water.

No person shall construct, maintain or permit on any premises owned by him an arrangement for the disposal of human excrement which may possibly endanger any source of drinking water or which allows flies to have access to the human excrement. (3-3-47, §2.)

For general authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2012). See also VA. CODE ANN. §15.2-2157 (Cum. Supp. 2016) and VA. CODE ANN. §32.1-163 et seq. (Repl. Vol. 2015 and Cum. Supp. 2016).

Sec. 18-42. Deposit of excrement not to endanger source of drinking water, etc.

No person shall deposit any human excrement upon the surface of the ground or in any places where it may endanger a source of drinking water or be accessible to flies or animals. (3-3-47, §3.)

For general authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2012). See also VA. CODE ANN. §15.2-2157 (Cum. Supp. 2016) and VA. CODE ANN. §32.1-163 (Repl. Vol. 2015).

Sec. 18-43. Flush water closets not to be discharged onto ground, etc.

All homes or other places having flush toilets discharging on the ground or into small streams or ditches shall be provided by the owner with a septic tank or other approved method of sewage disposal. (3-3-47, §4.)

For general authority, see VA. CODE ANN. §15.2-1200 (Repl. Vol. 2012) and VA. CODE ANN. §15.2-2157 (Cum. Supp. 2016).

Sec. 18-44. General penalty for violation of article.

It shall be unlawful for any person to neglect, fail or refuse to comply with provisions of this article.

Any person who violates any of the provisions of this article, or the regulations issued under it by the County Health Department shall be guilty of a misdemeanor and, in addition, may be enjoined from further violation of this article. Each week of failure or refusal to comply with the provisions after notification of the initial violation shall be deemed a separate offense, subject to an additional penalty. (3-3-47, §§ 8,9.)

Cross-reference.--For general penalty for violations of ordinances, see §1-6 of this Code. See also VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE MAY 17, 1999 AMENDMENT rewrote second paragraph to increase possible fine for violation to that of a misdemeanor (increased from former maximum of \$10.00) and prescribed that each week's continuance shall constitute a separate offense.]

Article VI. Water Supply Systems Generally.

Sec. 18-45. Reserved.

Sec. 18-46. Inspection of water supplies; testing and reporting requirements.

(a) Pursuant to the authority of VA. CODE ANN. §15.2-2144 (Repl. Vol. 2012), the Board of Supervisors of Campbell County may regulate and inspect public and private water supplies; the production, preparation, transmission and distribution of water; and the sanitation of establishments, systems, facilities and equipment in or by means of which water is produced, prepared, transmitted and distributed. It may prevent the pollution of such water supplies; and, without liability to the owner thereof, may prevent the transmission or distribution of water when it is found to be polluted, adulterated, impure or dangerous.

(b) Every public water supply operator shall at least annually test the public water supply for the presence of methyl-tertiary-butyl ether (MTBE), as required by VA. CODE ANN. §15.2-2144 B. (Repl. Vol. 2012). The County of Campbell shall maintain a record of testing conducted pursuant to such requirement. If the results of any such test indicate the presence of MTBE in excess of fifteen parts per billion, Campbell County shall immediately notify the

Department of Environmental Quality and the Department of Health. Such test may be conducted simultaneously with other tests.

For state law authority, see VA. CODE ANN. §15.2-2144 (Repl. Vol. 2012).

Cross-reference.—For authority of State Board of Health to establish alternative schedule of water supply testing for any public waterworks where annual testing is not otherwise required, when deemed appropriate to protect public health and promote public welfare, see VA. CODE ANN. §15.2-2144 (Repl. Vol. 2012) at the end of subsection B. As to testing requirements and required permit for construction of private wells, see Virginia Private Well Construction Act at VA. CODE ANN. §32.1-176.1 et seq. (Repl. Vol. 2015 and Cum. Supp. 2016).

[THE MAY 17, 1999 ACT adopted this section.]

[THE JULY 2, 2001 AMENDMENT designated existing provisions as (a) and added (b).]

[THE JULY 5, 2005 AMENDMENT, in (b), substituted “annually” for “quarterly” in the first sentence and added the last sentence.]

Sec. 18-47 to Sec. 18-49. Reserved.

Article VII. Approval of Water Supply Systems by County.

Sec. 18-50. Notice to Board of Supervisors and State Board of Health required prior to construction of water supply systems.

Any person, including municipal corporations, that proposes to establish a water supply consisting of a well, springs, or other facilities and the necessary pipes, conduits, mains, pumping stations, and other facilities in connection therewith, to serve or to be capable of serving three (3) or more connections shall notify the State Board of Health and shall notify in writing the Board of Supervisors of Campbell County and shall appear at a regular meeting thereof and notify the Board in person.

For state law authority, see VA. CODE ANN. §15.2-2149 (Repl. Vol. 2012).

[THE MAY 17, 1999 ACT adopted this section.]

Sec. 18-51. When approval of State Board of Health not required.

The approval of the State Board of Health shall not be required unless such water supply serves or proposes to serve at least the number of persons for which the approval of the State Board of Health is required under VA. CODE ANN. §32.1-172 (Repl. Vol. 2015).

For state law authority, see VA. CODE ANN. §15.2-2150 (Repl. Vol. 2012).

[THE MAY 17, 1999 ACT adopted this section.]

Sec. 18-52. Disapproval of system by Board of Supervisors; effect of failure to disapprove within seventy (70) days.

The Board of Supervisors of Campbell County, having been notified of the proposed establishment of a water system pursuant to §18-50 of this Code may disapprove the same, if it finds that such water system does not have an adequate source of supply, or that the system is not capable of serving the proposed number of connections by reason of inadequate pipes, mains, conduits, pumping stations, or otherwise. If, at the expiration of seventy (70) days from the date on which the applicant appeared before the Board of Supervisors, the Board has not disapproved the application, the applicant may proceed with the construction and installation of such water system, provided he first gives notice to the Chairman of the Board of Supervisors by registered mail of his intention to proceed.

For state law authority, see VA. CODE ANN. §15.2-2151 (Repl. Vol. 2012).

[THE MAY 17, 1999 ACT adopted this section.]

Sec. 18-53. Contents of notice to Board of Supervisors; further information.

The applicant shall state in the notice to the Board of Supervisors required by §18-50 of this Code the number and nature of the connections to which service will be given under the certificate applied for. The Board of Supervisors may require such further information as it deems desirable in order to pass upon the application.

For state law authority, see VA. CODE ANN. §15.2-2152 (Repl. Vol. 2012).

[THE MAY 17, 1999 ACT adopted this section.]

Sec. 18-54. Extensions to systems.

No person that has constructed or installed a water system after having complied with the provisions of this article shall extend the service in excess of the number of connections for which approval was originally given. In case any such extension is desired, the person shall proceed in the same manner as in the case of an original application under this article.

For state law authority, see VA. CODE ANN. §15.2-2153 (Repl. Vol. 2012).

[THE MAY 17, 1999 ACT adopted this section.]

Sec. 18-55. Reserved.

Sec. 18-56. Article not applicable to hotel corporations.

No provision of this article shall apply to a corporation whose principal business is the operation of a hotel and which from its surplus facilities may furnish water to a limited number of patrons.

For state law authority, see VA. CODE ANN. §15.2-2154 (Repl. Vol. 2012).

[THE MAY 17, 1999 ACT adopted this section.]

Sec. 18-57. Noncompliance with article; separate offenses.

Any person that fails or refuses to notify the Board of Supervisors of the proposed construction or installation of a water system, or to notify the Board of any proposed extension beyond the number of connections for which approval was originally given, or that fails or refuses to notify the State Board of Health of the proposed construction or installation of any such system, and thereafter constructs and installs any such system, or, having given such notice and the same having been disapproved, proceeds to construct or install any such system, shall be guilty of a misdemeanor and punished as provided in §18-58 of this Code. Each day of operation without notifying the Board of Supervisors or State Board of Health as above required, or after disapproval by the Board of Supervisors, shall constitute a separate offense.

For state law authority, see VA. CODE ANN. §15.2-2155 (Repl. Vol. 2012).

[THE MAY 17, 1999 ACT adopted this section.]

Sec. 18-58. Penalty; enjoining violation.

Any person violating any provision of this article shall be guilty of a Class 2 misdemeanor and, in addition, may be enjoined from further violation of this article.

For state law authority, see VA. CODE ANN. §15.2-2156 (Repl. Vol. 2012). For penalty for Class 2 misdemeanor, see VA. CODE ANN. §18.2-11 (Repl. Vol. 2014).

[THE MAY 17, 1999 ACT adopted this section.]

Sec. 18-59. Reserved.